



September 30, 1999

Mr. Richard C. Terrell
City Attorney
City of Alice
608 East Second
Alice, Texas 78332

OR99-2762

Dear Mr. Terrell:

You ask whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129397.

The City of Alice (the "city"), which you represent, received a request for documents relating to an incident that occurred on April 27, 1999. You claim that the requested documents are excepted from disclosure under sections 552.103 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the documents at issue.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if . . . release of the information would interfere with the detection, investigation, or prosecution of crime." You state that the requested documents relate to a pending criminal investigation. Based upon this representation, we conclude that the release of the requested documents would interfere with the detection, investigation, or prosecution of crime. See *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976) (court delineates law enforcement interests that are present in active cases).

We note, however, that information normally found on the front page of an offense report is generally considered public. See generally Gov't Code § 552.108(c); *Houston Chronicle*, 531 S.W.2d 177; Open Records Decision No. 127 (1976). Thus, you must release the type

of information that is considered to be front page offense report information, even if this information is not actually located on the front page of the offense report.¹ Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.

Because we are able to resolve this matter under section 552.108, we do not address your additional arguments against disclosure. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref: ID# 129397

Encl. Submitted documents

cc: Mr. Michael Maldonado
The Maldonado Law Firm
920 Leopard
Corpus Christi, Texas 78401
(w/o enclosures)

¹We note that front page offense report information is not generally excepted from disclosure section 552.103 of the Government Code. Open Records Decision No. 597 (1991).